

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:)	CASE NO. 99-10119 ESL
SANTOS SURITA ACOSTA)	ADV. 11-0146
CARMEN CRUZ SILVA)	CHAPTER 7
DEBTOR)	Civil Action for Violation
)	Of Discharge
SANTOS SURITA ACOSTA)	
CARMEN G. CRUZ SILVA)	
PLAINTIFF)	
Vs.)	
REPARTO SAMAN, INC.)	

DEFENDANT’S PROPOSED STATEMENT OF UNCONTESTED MATERIAL FACTS

TO THE HONORABLE COURT:

Comes now Reparto Samán, Inc. through its undersigned counsel and very respectfully states and prays as follows:

1. The present motion submits the following proposed statement of uncontested material facts in the present adversary procedure:
 - a) Defendants in the present case filed a secured claim for the sum of \$36,505.00 which allegedly was secured by a mortgage held by Reparto Saman Inc.
 - b) Reparto Saman Inc. received nothing from the debtor’s bankruptcy procedure.
 - c) The real property that was supposed to be encumbered by Reparto Saman’s mortgage was declared abandoned by the Chapter 7 Trustee as

having no value to the estate because it had a secured interest of \$36,505.00. (Case 99-10119, dkt 8).

- d) No claims were filed in case 99-10119 due to Trustee having stated that there was no liquidation value and therefore no value in the estate.
- e) That the Chapter 7 Trustee abandoned the real property as he was led to believe that there was no liquidation value in the property due to the mortgage allegedly attached. (case 99-10119 dkt 8).
- f) That Debtors still own the real property over which the mortgage was supposed to be attached.
- g) That the inability of Debtors to pay an electrical bill has absolutely nothing to do with the mortgage foreclosure filed by Reparto Saman Inc.
- h) That Debtor's alleged lack of employment has nothing to do with the mortgage foreclosure pursued by Reparto Saman Inc., nor the present litigation.
- i) That the inequitable windfall received by Debtor via his statement that the property had a secured debt of \$36,505.00 is more than sufficient to make up for the damages that might have been inflicted by Defendant, and that Debtors are still owners of the property.

Wherefore, it is respectfully requested that this Honorable Court accept Defendant's proposed statement of uncontested material facts based on the inequitable windfall received by Debtors.

You are hereby given notice that unless this motion is replied to within 20 days of notification, it may be deemed granted without the further need of a hearing.

I HEREBY CERTIFY that copy of foregoing motion has been mailed to I electronically filed the foregoing motion with the Clerk of the court using the CM/ECF system which will send notification of filing to the following: **Alberto Lozada Colon, PO Box 430, Mayaguez, PR, 00681, Wigberto Lugo Mender, esq; and US Trustee's office.**

In Mayagüez, Puerto Rico, this 21st day of June, 2012.

SANTOS & NIEVES BLAS

s/Luis R Santos Baez (229110)
Counsel for Reparto Saman Inc.
P.O. Box 1809
Mayagüez, Puerto Rico 00681
Tel. 787-833-5466
Fax. 787-834-7631